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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,158	02/29/2000	John M. Quememoeen	RA-5247	1831

7590

02/23/2004

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EXAMINER

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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.



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February 20, 2004

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SUBJECT: - Requirement under 37 CFR 1.105 for Application 09/515,158

Applicants and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application. In the Amendment D response to a Non-Final Rejection Office Action, which was filed on 17 November 2003, the Applicants used the "Appendix A: Unisys Enterprise NT Sizer, Description and User Guide," Version 2.80 to show that the proposed invention claimed in Patent Application No. 09/515,158 was made before the patent application of Yang et al. (U.S. Patent No. 6,542,845). The "Unisys Enterprise NT Sizer, Description and User Guide" document had a redacted copyright and statement in the attached affidavit suggested that this document had been in public use prior to the filing of the Yang patent.

The information is required to determine and to enter in the record whether the proposed patent qualifies under 37 C.F.R. 102(b). This section states that a patent is not allowed if "the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States." Publishing the "User Guide" document appendix prior to the filing of the Yang patent may constitute the public use described under 37 C.F.R. 102(b).


Please provide the date of publication, date available to the public, and any confidentiality agreements with outside individuals and/or organizations appropriate to the "User Guide" document appendix. Furthermore, please provide this information for versions of the "User Guide" document that were published prior to Version 2.80 and provide a statement as to whether these versions described the Unisys Enterprise NT Sizer, whether any of these prior versions lacked any of the critical elements of the proposed invention claimed in Patent Application No. 09/515,158, and the identities of the missing critical elements.

The fee and certification requirements of 37 C.F.R. § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. § 1.105 are subject to the fee and certification requirements of 37 C.F.R. § 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an

item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is subject to the provisions of 37 C.F.R. §§ 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO (2) MONTHS. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


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